

**REMARKS**

Claims 1-11 are pending in the application. Claims 1, 7 and 11 have been amended. No claims have been added or canceled. Thus, upon entry of this amendment, claims 1-11 are subject to continued examination.

**FORMAL REJECTIONS:**

Claims 7 and 11 stand rejected under 35 U.S.C. 112, second paragraph due to the absence of any antecedent basis for the term "itself" in lines 3 and 8 of such claims. In order to address this rejection the offending term has been eliminated from the claims in question. Such an amendment is believed to be cosmetic in nature and to in no way narrow the scope of the impacted claims.

**ANTICIPATION:**

Claims 1 and 2 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,056,316 to Yamaji et al..

Applicant wishes to bring to the Examiner's attention the fact that Yamaji et al. appears to have been published less than one year before the filing date of the present application. Accordingly, it is requested that the Examiner reconsider the grounds for the rejection.

In order to progress prosecution, Applicant has nonetheless amended independent claim 1 to recite that the expansion restraining elements are in substantially nonparallel relation to a flow path of said gaseous inflation medium. This claim feature is believed to clearly distinguish over the teachings in Yamaji et al. in which it is specifically stated that the shape limiting connecting portions are "substantially parallel to a flow direction of the inflator gas". See, Col. 5, lines 24-25.

MPEP § 2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim and the elements must be arranged as required by the claim. Moreover, in considering patentability, all words of a claim must be considered. It is respectfully submitted that the standard for

anticipation is not met by Yamaji et al. with respect to claim 1 as amended. Accordingly, reconsideration and withdrawal of the pending anticipation rejection to claims 1 and 2 is requested at this time.

#### **OBVIOUSNESS:**

Claims 3-4 and 7-11 stand rejected under 35 U.S.C. 103(a) as being obvious over Yamaji et al. in view of U.S. Patent 6,129,377 to Okumura et al.. Claims 5 and 6 stand rejected under 35 U.S.C. 103(a) as being obvious over Yamaji et al. in view of U.S. Patent 5,618,595 to Matsushima et al.. All such rejections are respectfully traversed and reconsideration is requested at this time.

As regards claims 3-10, each of these claims depends from claim 1. It is axiomatic that in order to support an obviousness rejection the prior art must teach or suggest all limitations of the claims. As pointed out above, the art does not appear to teach or suggest all features of the base independent claim. Moreover, by advocating a parallel relationship in the shape limiting connecting portions, the primary reference actually appears to teach away from the invention as presently claimed. In this regard it is noted that MPEP § 2141.02 makes it clear that a prior art reference must be considered as a whole including portions that would lead away from the claimed invention. Accordingly, reconsideration and withdrawal of all rejections directed to claims 3-10 is requested at this time.

As regards claim 11, Applicant notes that the claim recites the feature that the expansion restraining elements extend partially but not completely across the width of the airbag cushion into the interior of the air bag cushion in offset staggered relation from said opposing lateral sides of the cushion. It is respectfully submitted that such inward extension from opposing lateral sides is in no way taught or suggested by the references cited. Thus, the combination of references relied upon does not appear to establish the requisite *prima facie* case of obviousness.

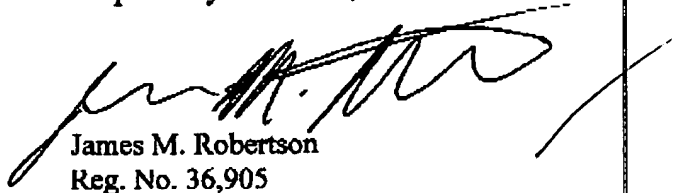
#### **CONCLUSION:**

For the reasons set forth above, it is respectfully submitted that all claims stand in condition for allowance. Prompt allowance and passage to issue is therefore requested. While Applicants have attempted to address all outstanding issues, in the event that any issue remains

unresolved, the Examiner is encouraged to contact the undersigned attorney in the hope that such issue may be resolved in an expedient and satisfactory manner.

To any extent as may be necessary, a petition for extension of time is hereby made. Authorization is hereby provided to deduct any fee necessary for the acceptance of this paper from Deposit Account 50-1424.

Respectfully submitted,



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GROUP 3600

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: John Anthony Lotspih  
Serial Number: 09/805,586  
Filed: 03/13/2001  
For: Tunable Control Side Air Bag Cushion

Group Art Unit: 3636  
Examiner: Edell, Joseph F.

## Claim Mark-Up Sheets

1. (Amended) An air bag assembly in a vehicle for side impact protection of a vehicle occupant, the air bag assembly comprising:

an inflator for discharging a gaseous inflation medium; and

an air bag cushion including a first inflatable portion proximal to the inflator for cushioning the torso of the vehicle occupant, a second inflatable portion distal from the inflator for cushioning the head of the vehicle occupant, a first expansion restraining element extending partially but not completely across the width of the air bag cushion in substantially nonparallel relation to a flow path of said gaseous inflation medium between the first and second inflatable portions, and at least a second expansion restraining element extending partially but not completely across the width of the air bag cushion in opposing staggered relation to the first expansion restraining element in substantially nonparallel relation to said flow path of said gaseous inflation medium such that the expansion restraining elements restrict expansion of the air bag cushion in the region between the first and second inflatable portions.

7. (Amended) The invention according to Claim 1, wherein the air bag cushion is formed from a substantially flat blank of material which is folded [upon itself] to form a folded structure having two layers enclosed by the application of connective perimeter seams along the perimeter of the folded structure.

11. An air bag assembly in a vehicle for side protection of a vehicle occupant, the air bag assembly comprising:

an inflator for discharging inflation gas; and

a gas inflatable air bag cushion for deployment adjacent the vehicle occupant wherein the air bag cushion comprises an upper boundary, opposing lateral sides extending away from the upper boundary, and a mouth opening for receipt of the inflation gas, the air bag cushion being formed by folding a single blank of material [upon itself] along a predetermined fold line to form a folded structure of two layers, applying connective perimeter seams around the perimeter of the folded structure, and applying a plurality of expansion restraining elements between the layers of the folded structure wherein said expansion restraining elements extend partially but not completely across the width of the airbag cushion into the interior of the air bag cushion in offset staggered relation from said opposing lateral sides.